

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
67824.431530

First named inventor: SERVANT, Guy et al.

Application No.: 10/563,758

Art Unit: 1649

Filed: January 9, 2006

Examiner: Not Yet Assigned

Title: IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT EXPRESS HUMAN ENaC AND THE USE OF PHENAMIL
TO IMPROVE THE EFFECT OF ENaC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING DYES

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Petition Under 1.47(a) and Petition Under 1.497(d) (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED
FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

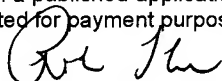
3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

March 6, 2008

Date

Robin L. Teskin

Typed or printed name

35,030

Registration Number, if applicable

Hunton & Williams LLP, Intellectual Property Department

Address

(703) 714-7645

Telephone Number

1900 K Street, Suite 1200, Wash., D.C. 20006

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Evidence that declaration was sent to inventor, Imran Clark**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SERVANT, GUY *et al.*

Title: IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT EXPRESS
HUMAN ENaC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT OF ENaC
ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING DYES

Appl. No. 10/563,758

Filing Date: January 9, 2006

Examiner: Not Yet Assigned

Confirmation No.: 3144

Art Unit: 1649

Attorney Docket No.: 67824.431530

**PETITION UNDER § 1.47(A) TO ACCEPT JOINT INVENTOR DECLARATIONS THAT
FAILS TO INCLUDE SIGNATURE OF INVENTOR IMRAN CLARK WHO CANNOT BE
LOCATED AFTER DILIGENT EFFORTS BY APPLICANT**

MAIL STOP: OFFICE OF PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition is being filed under § 1.47(a). According to § 1.47(a) if a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(g) and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with § 1.63.

This Petition is being submitted as Imran Clark's signature cannot be obtained notwithstanding diligent efforts by the Applicant and their legal representatives. This Petition includes proof of the pertinent facts based on the Exhibits A through E attached hereto, the requisite fee under § 1.17(g), and further includes the last known address of the non-signing inventor. This Petition is required as Applicants

are unable to obtain Mr. Clark's signature by the March 6, 2008 due date notwithstanding diligent efforts. These diligent efforts are described below as substantiated by the Exhibits to this Petition.

FACTS:

(1) On February 12, 2008 the undersigned became aware of a Petition Decision mailed on February 6, 2008 and received in Hunton's offices on February 11, 2008. This Decision indicated that among other things the prior response to the Notification of Defective Response submitted on October 8, 2007, in response to the Notice mailed on September 24, 2007, was unacceptable because the prior submitted Declaration signed by all 6 inventors was an improper "composite" declaration.

(2) This earlier submitted Declaration was signed by all of the inventors including Imran Clark (signature dated May 21, 2007). Mr. Clark was mailed on May 17, 2007 a complete copy of the PCT application which is the basis of this patent application. (See Exhibit B which is a copy of a letter by Sherry Dollins of Senomyx Inc. mailed on May 17, 2007 to Mr. Clark advising him of the mailing of this application and the declaration to be signed by Mr. Clark). Based on the noted deficiency the Petition Decision indicated that Applicants were required to provide a new Declaration executed by all six inventors. This Petition Decision further required applicants to submit a statement according to MPEP 1893.01(e) satisfying 37 CFR 1.41(a)(4) (A) and (C) by (i) filing a statement by the added inventor, Bryan Moyer, indicating that his omission as an inventor, in the originally filed application, occurred without deceptive intent and (ii) filing a document including the written consent of the Assignee Senomyx Inc. agreeing to the addition of Bryan Moyer as an inventor.

(3) As soon as the undersigned became aware of these requirements, and of the non-extendible due date of March 6, 2008 for responding thereto. the undersigned prepared and via my assistant Ms Stacey Buckner sent on February 12, 2008 an email to the client advising as to the required signed documents and the non-extendible March 6, 2008 due date for submitting these signed documents. This email further included as attachments word documents containing the required Declaration, Inventor Statement and Consent by the Assignee for review and signature by the relevant inventors and with respect to the Consent by Assignee review and signature by an authorized representative of Senomyx Inc. The fact that these documents were sent on February 12, 2008 is substantiated by the email sent to Senomyx Inc dated February 12, 2008 and the attachments sent therewith which are attached to this Petition as Exhibit A.

(4) This email and the attached word documents (including the Declaration for execution by all of the six inventors) were received by the Assignee Senomyx and diligently sent to all of the inventors for signature including Imran Clark. This fact is substantiated by the letter dated February 13, 2008 signed

by Sherry Dollins of Senomyx sent to the inventor Imran Clark's last known address which is 6049 Paseo Carreta, Carlsbad, CA . This letter and the attachment sent therewith are attached to this Petition as Exhibit B. That this letter was mailed and included as enclosure a Declaration for signature by Imran Clark is also substantiated by the declaration of Sherry Dollins of Senomyx Inc attached as Exhibit C hereto In her Declaration she attests to the fact that she mailed these documents to Mr. Clark at his last known address together with an addressed envelope containing Senomyx' address and the correct postage to be returned to Senomyx and that as of today no reply to this letter has been received. Also, this envelope was not returned to Senomyx Inc. by the US Post Office indicating that these documents were delivered to this address. In addition Ms. Dollins notes that Mr. Clark has in the past been very timely responded to requests for signed patent and other corporate documents sent to this address as evidenced by the fact that Mr. Clark previously signed a declaration for the subject application on May 21, 2007 after the subject application and a Declaration for Mr. Clark's review and signature were sent to the same address.

(5) Because of the failure of Senomyx Inc. to receive the declaration executed by Mr. Clark as of March 4, 2008, on the same date Ms. Dollins further sent to Mr. Clark's last known email address an inquiry regarding the status of the documents sent to Mr. Clark's home address for signature. Previously, Mr. Clark has responded to emails sent to him at this email address. This email is attached to this Petition as Exhibit D. No response to this email was received. Ms. Dollins further notes in her Declaration that Senomyx has no additional contact information for Imran Clark, who terminated his employment with Senomyx on July 21, 2003 and they are further unaware of his current employer.

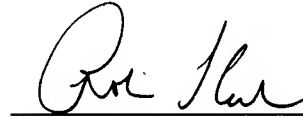
The Commissioner is authorized to charge the petition fee in the amount of \$200.00 to Deposit Account No. 50-0206. It is believed that no additional fees are required however, in the event that any additional monies are required the Patent Office is expressly authorized to charge Applicant's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: **March 6, 2008**

By:



Robin L. Teskin

Registration No. 35,030

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W., Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)

EXHIBIT A

Buckner, Stacey

From: Buckner, Stacey
Sent: Tuesday, February 12, 2008 3:01 PM
To: 'Sherry Dollins'
Cc: Teskin, Robin L.
Subject: FW: U.S. Patent Application Serial No. 10/563,758 - Our Reference No.: 67824.431530

Importance: High

Attachments: StatementConsentDeclaration67824431530.pdf

Sherry:

These executed documents are needed on or before **March 6, 2008**, thanks.

Stacey A. Buckner
Senior Professional Assistant to
Robin L. Teskin
Hunton & Williams LLP
1751 Pinnacle Drive, Tysons Corner
Suite 1700
McLean, Virginia 22102
(703) 714-7469 (direct)
(703) 714-7410 (fax)

From: Buckner, Stacey
Sent: Tuesday, February 12, 2008 2:52 PM
To: 'Sherry Dollins'
Cc: Teskin, Robin L.
Subject: U.S. Patent Application Serial No. 10/563,758 - Our Reference No.: 67824.431530

Re: U.S. Patent Application Serial No. 10/563,758
Title: "IMPROVED ELECTROPHYSICAL ASSAYS USING OOCYTES THAT EXPRESS HUMAN ENAC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT OF ENAC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING DYES"
Inventor(s): Guy SERVANT, et al.
Our Ref.: (67824.431530)

Dear Sherry:

Attached are copies of the Statement from Bryan Moyer, Consent by Senomyx, Inc. To the Addition of Bryan Moyer As A Co-Inventor and new Declaration and Power of Attorney for Patent Application for the above-identified patent application. Please review and have the documents signed by all parties for filing with the Patent Office. The Patent Office is requiring all six inventors sign and submit a single complete Declaration and not have multiple signature pages of the same document.

As always, should you have any questions, please contact us.

Sincerely,

Stacey A. Buckner
Senior Professional Assistant to
Robin L. Teskin
Hunton & Williams LLP

1751 Pinnacle Drive, Tysons Corner
Suite 1700
McLean, Virginia 22102
(703) 714-7469 (direct)
(703) 714-7410 (fax)



StatementConsent
Declaration678...

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SERVANT, GUY *et al.*

Title: IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT
EXPRESS HUMAN ENaC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT
OF ENaC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING
DYES

Appl. No. 10/563,758

Filing Date: January 9, 2006

Examiner: Not Yet Assigned

Confirmation No.: 3144

Art Unit: 1649

Attorney Docket No.: 67824.431530

STATEMENT BY BRYAN MOYER

MAIL STOP: OFFICE OF PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Bryan Moyer, hereby state that I am an inventor of the above-identified patent application and that the error in omitting me as an inventor on filing of the PCT application on which this application is based, occurred without any deceptive intent.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

APPLN. NO. 10/563,758
ATTORNEY DOCKET NO.: 67824.431530

Date

Bryan MOYER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SERVANT, GUY *et al.*

Title: IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT
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DYES

Appl. No. 10/563,758

Filing Date: January 9, 2006

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Confirmation No.: 3144

Art Unit: 1649

Attorney Docket No.: 67824.431530

CONSENT BY SENOMYX, INC. TO THE ADDITION OF
BRYAN MOYER AS A CO-INVENTOR

MAIL STOP: OFFICE OF PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On behalf of Senomyx, Inc. I hereby consent to the addition of Bryan Moyer as the
inventor of the above-identified patent application.

Date

David B. Berger
Vice President, Counsel and
Corporate Secretary
Senomyx, Inc.

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING
OOCYTES THAT EXPRESS HUMAN ENAC AND
THE USE OF PHENAMIL TO IMPROVE THE EFFECT OF ENAC ENHANCERS IN ASSAYS
USING MEMBRANE POTENTIAL REPORTING DYES**

the specification of which: ☐ is attached hereto.
☒ was filed on: January 9, 2006
as United States Application No.: 10/563,758
or PCT International Application No.: _____
and was amended on: _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
PCT/US2004/021853	PCT	9 July 2004		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)

Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

**CUSTOMER NUMBER
21967**

All correspondence and telephone communications should be addressed to:

**CUSTOMER NUMBER
21967**

corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**NAME OF SOLE OR FIRST
INVENTOR:**

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **Guy** Family Name or Surname **SERVANT**
Citizenship: **Canada**
Residence: **17343 Albert Avenue, San Diego, California 92127**

Mailing Address: same as above

NAME OF SECOND INVENTOR:

☐

A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name
(first and middle (if any)) **Hong**

Family Name
or Surname **CHANG**

Citizenship: **USA**

Residence: **12647 Caminito Destello, San Diego, California 92130**

Mailing Address: same as above

NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Cyril** Family Name or Surname **REDCROW**

Citizenship: Canada

Residence: 5070 Mansfield Street, San Diego, California 92116

Mailing Address: same as above

NAME OF FOURTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Sumita** Family Name or Surname **RAY**

Citizenship: **USA**

Residence: **13354 Benchley Road, San Diego, California 92130**

Mailing Address: same as above

NAME OF FIFTH INVENTOR:

☐

A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name
(first and middle (if any)) **Imran**

Family Name
or Surname **CLARK**

Citizenship: **USA**

Residence: **6049 Paseo Carreta, Carlsbad, California 92009**

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200

Washington, DC 20006-1109
(202) 955-1500 (telephone); (202) 778-2201 (facsimile)

Mailing Address: same as above

NAME OF SIXTH INVENTOR:

☐

A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Bryan** Family Name or Surname **MOYER**

Citizenship: USA

Residence: 12521 Spindletop Road, San Diego, California 92129

Mailing Address: same as above

Buckner, Stacey

From: Buckner, Stacey
Sent: Tuesday, February 12, 2008 2:52 PM
To: 'Sherry Dollins'
Cc: Teskin, Robin L.
Subject: U.S. Patent Application Serial No. 10/563,758 - Our Reference No.: 67824.431530

Attachments: StatementConsentDeclaration67824431530.pdf

Re: U.S. Patent Application Serial No. 10/563,758
Title: "IMPROVED ELECTROPHYSICAL ASSAYS USING OOCYTES THAT EXPRESS HUMAN ENAC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT OF ENAC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING DYES"
Inventor(s): Guy SERVANT, et al.
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Dear Sherry:

Attached are copies of the Statement from Bryan Moyer, Consent by Senomyx, Inc. To the Addition of Bryan Moyer As A Co-Inventor and new Declaration and Power of Attorney for Patent Application for the above-identified patent application. Please review and have the documents signed by all parties for filing with the Patent Office. The Patent Office is requiring all six inventors sign and submit a single complete Declaration and not have multiple signature pages of the same document.

As always, should you have any questions, please contact us.

Sincerely,

Stacey A. Buckner
Senior Professional Assistant to
Robin L. Teskin
Hunton & Williams LLP
1751 Pinnacle Drive, Tysons Corner
Suite 1700
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StatementConsent
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STATEMENT BY BRYAN MOYER

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Alexandria, VA 22313-1450

Sir:

I, Bryan Moyer, hereby state that I am an inventor of the above-identified patent application and that the error in omitting me as an inventor on filing of the PCT application on which this application is based, occurred without any deceptive intent.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

Bryan MOYER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SERVANT, GUY *et al.*

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P.O. Box 1450

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Sir:

On behalf of Senomyx, Inc. I hereby consent to the addition of Bryan Moyer as the
inventor of the above-identified patent application.

Date

David B. Berger
Vice President, Counsel and
Corporate Secretary
Senomyx, Inc.

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT EXPRESS HUMAN ENAC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT OF ENAC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING DYES

the specification of which: ☐ is attached hereto.
☒ was filed on: January 9, 2006
as United States Application No.: 10/563,758
or PCT International Application No.: _____
and was amended on: _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
PCT/US2004/021853	PCT	9 July 2004		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)

Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

**CUSTOMER NUMBER
21967**

All correspondence and telephone communications should be addressed to:

**CUSTOMER NUMBER
21967**

corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**NAME OF SOLE OR FIRST
INVENTOR:**

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name
(first and middle (if any)) **Guy**

Family Name
or Surname

SERVANT

Citizenship: **Canada**

Residence: **17343 Albert Avenue, San Diego, California 92127**

Mailing Address: same as above

NAME OF SECOND INVENTOR:

☐

A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Hong** Family Name or Surname **CHANG**

Citizenship: USA

Residence: 12647 Caminito Destello, San Diego, California 92130

Mailing Address: same as above

NAME OF THIRD INVENTOR:

☐

A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name
(first and middle (if any)) **Cyril**

Family Name
or Surname **REDCROW**

Citizenship: Canada

Residence: 5070 Mansfield Street, San Diego, California 92116

Mailing Address: same as above

NAME OF FOURTH INVENTOR:

☐

A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Sumita** Family Name or Surname **RAY**

Citizenship: USA

Residence: 13354 Benchley Road, San Diego, California 92130

Mailing Address: same as above

NAME OF FIFTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Imran** Family Name or Surname **CLARK**

Citizenship: **USA**

Residence: **6049 Paseo Carreta, Carlsbad, California 92009**

Mailing Address: same as above

NAME OF SIXTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Bryan** Family Name or Surname **MOYER**

Citizenship: **USA**

Residence: **12521 Spindletop Road, San Diego, California 92129**

Mailing Address: same as above

EXHIBIT B



February 13, 2008

Imran Clark
6049 Paseo Carreta
Carlsbad, CA 92009

Re: U.S. Patent Application No. US 10/563,758
Entitled "Improved Electrophysiological Assays Using Oocytes that Express
Human ENaC and the Use of Phenamil to Improve the Effect of ENaC Enhancers
in Assays Using Membrane Potential Reporting Dyes"
(Based on PCT Application No. PCT/US04/021853)

Dear Imran:

Enclosed is a document entitled Declaration and Power of Attorney for Patent Application relating to the above-entitled patent application. Please review, sign and date the Declaration at your earliest convenience and return it to me enclosed envelope. Note that you previously signed this document but the patent office is requiring another one.

Thank you once again for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sherry".

Sherry Dollins, CEP
Senior Manager, Equity Plan Administrator
(858) 646-8317 Phone
(858) 404-0750 Fax
sherry.dollins@senomyx.com

Enclosures

EXHIBIT C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SERVANT, GUY *et al.*

Title: IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT
EXPRESS HUMAN ENaC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT
OF ENaC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING
DYES

Appl. No. 10/563,758

Filing Date: January 9, 2006

Examiner: Not Yet Assigned

Confirmation No.: 3144

Art Unit: 1649

Attorney Docket No.: 67824.431530

**DECLARATION BY SHERRY DOLLINS IN SUPPORT OF PETITION UNDER 1.47(A)
CONCERNING DILIGENT EFFORTS TO OBTAIN IMRAN CLARK'S SIGNATURE**

MAIL STOP: OFFICE OF PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Sherry Dollins, hereby state the following:

(1) That I am currently employed by Senomyx Inc. as a Senior Manager, and that one of my corporate duties involves sending patent related documents to inventors on Senomyx applications for signature and ensuring that these documents are received and sent to patent counsel so that these documents can be filed with the appropriate Patent Office by the appointed due date.

(2) That on May 17, 2007, as is my practice, I sent a copy of the above-identified patent application, an inventor declaration for Mr. Clark's signature, and further included a return envelope addressed to Senomyx and containing the proper postage. These documents were sent by DHL second day courier to Imran Clark's last known address which is 6049 Paseo Carreta, Carlsbad, California 92009.

(3) That I received the signed declaration from Mr. Clark and forwarded this signed inventor declaration to patent counsel for filing in the US Patent and Trademark Office. This is evidenced by the fact that the signed declaration containing Mr. Clark's signature was timely filed by patent counsel, Hunton & Williams LLP with the USPTO on July 9, 2007.

(4) That on February 12, 2008, I received an email from Stacey Buckner, assistant to Robin Teskin, patent attorney at Hunton & Williams LLP advising that the prior declaration executed by Imran Clark and the other inventors of this application was found to be defective as it was deemed to be a "composite declaration." I was further advised that there was a March 6, 2008 deadline to submit a proper signed declaration signed by all 6 inventors, as well as a signed statement by Bryan Moyer regarding his addition as an inventor and a Consent document to be executed by Senomyx agreeing to the inclusion of Bryan Moyer as an inventor.

(4) That I promptly and diligently forwarded this declaration for signature to all of the inventors including Imran Clark. As Mr. Clark terminated his employment with Senomyx Inc. on July 21, 2003, I mailed a complete copy of the inventor declaration to his last known address as evidenced by my attached signed cover letter to Mr. Clark dated February 13, 2008. This letter, as is my practice, included as an enclosure an addressed, stamped envelope to facilitate prompt return of the signed declaration to Senomyx. I did not include a copy of the subject patent application as an enclosure as I previously sent a copy of the complete US application, as-filed, to Mr. Clark when I forwarded the prior inventor Declaration which he signed on May 21, 2007, and which was filed with the Patent Office on July 9, 2007. I further note that in the past, Mr. Clark has always promptly returned to Senomyx, Inc. signed patent documents sent to this address. In addition, Senomyx's records indicate that Senomyx never received any notice from the US Postal Office advising that these documents could not be delivered to this last known address for Mr. Clark.

(5) On March 4, 2008, when I realized that the due date of March 6, 2008 for responding was fast approaching I further sent an email reminder to Mr. Clark to an email address wherein Mr. Clark has previously responded and sent email correspondence to Senomyx, Inc. As of today, I have received no response to this email. In addition, I received no message indicating that this email had not been received.

(6) I further inquired as to the employee records of Senomyx's human resources department and am advised that as of today we have no further contact information for Mr. Clark. Also, Senomyx has no information regarding his current employment status.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

March 6, 2008
Date

Sherry Dollins
Sherry Dollins, CEP
Senior Manager, Equity Plan Administrator
Senomyx, Inc.

EXHIBIT D

Sherry Dollins

From: Sherry Dollins
Sent: Tuesday, March 04, 2008 9:01 AM
To: 'Imran Clark'
Subject: Senomyx Patent Document
Contacts: Imran Clark
Attachments: KM-C5500366.pdf

Hi Imran,

I hope this finds you and your family well. I am following up on a patent signature document that I sent to your home three weeks ago. Could you let me know if you received it and if you have returned it? I have attached a duplicate if you don't mind, please print, sign and return. Thanks as always for your cooperation.

Sherry Dollins, CEP
Senior Manager, Equity Plan Administrator
Senomyx, Inc.
4767 Nexus Centre Drive
San Diego, CA 92121
(858) 646-8317 Phone
(858) 404-0750 Fax

*****NOTE*****

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (858-646-8317), and destroy the original message. Thank you.

EXHIBIT E



Via DHL Second Day

May 17, 2007

Imran Clark
6049 Paseo Carreta
Carlsbad, CA 92009

Re: U.S. Patent Application Entitled "Improved Electrophysiological Assays Using Oocytes that Express Human ENaC and the Use of Phenamil to Improve the Effect of ENaC Enhancers in Assays Using Membrane Potential Reporting Dyes"
(Based on PCT Application No. PCT/US04/021853)

Dear Imran:

Enclosed is a document entitled Declaration and Power of Attorney for Patent Application relating to the above-entitled patent application. Also enclosed is a copy of the application as filed in the USPTO. As a reminder, US patent laws require that inventors read the application before executing the Declaration.

Once you have reviewed the application, please sign and date the Declaration and return it to me along with the application in the enclosed envelope.

As a reminder, in order for Senomyx to maintain current inventor contact records, please inform us of any change in your email and/or residence address. This will enable us to provide you with important inventorship information.

Hope all is well with you. As always, thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Sherry Dollins".

Sherry Dollins, CEP
Senior Manager, Equity Plan Administrator
(858) 646-8317 Phone
(858) 404-0750 Fax
sherry.dollins@senomyx.com

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SERVANT, GUY *et al.*

Title: IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT EXPRESS
HUMAN ENaC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT OF ENaC
ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING DYES

Appl. No. 10/563,758

Filing Date: January 9, 2006

Examiner: Not Yet Assigned

Confirmation No.: 3144

Art Unit: 1649

Attorney Docket No.: 67824.431530

**PETITION UNDER 37 CFR 1.497(D) RELATING TO OATH OR DECLARATION
UNDER 35 USC 371(C)(4) ADDING ADDITIONAL INVENTOR OMITTED IN THE
INTERNATIONAL (PCT) APPLICATION WITHOUT DECEPTIVE INTENT**

MAIL STOP: OFFICE OF PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition is being filed under 37 CFR 1.497(d) and is responsive to the Decision mailed on February 6, 2008. This Decision indicated that Applicant's prior response regarding the addition of Bryan Moyer as an inventor was deficient as it failed to satisfy items (A) and (C) set forth in MPEP 1893.01(e), i.e., (A) a statement from each person being added as an inventor averring that the change in inventorship in the international application occurred without deceptive intent and (C) the written consent of the assignee regarding the change in inventorship. According to § 1.497(d)

"If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17 (iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.”

In order to satisfy these requirements Applicants provide herewith (i) a signed statement by the added inventor, Bryan Moyer, advising that his omission from the PCT application on which this application is based occurred without any deceptive intent; and (ii) the written consent by an authorized representative of the Assignee Senomyx Inc. regarding the addition of Bryan Moyer as an inventor.

The Commissioner is authorized to charge the petition fee in the amount of \$130.00 to Deposit Account No. 50-0206. It is believed that no additional fees are required however, in the event that any additional monies are required the Patent Office is expressly authorized to charge Applicant's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: **March 6, 2008**

By:



Robin L. Teskin
Registration No. 35,030

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W., Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SERVANT, GUY *et al.*

Title: IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT
EXPRESS HUMAN ENaC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT
OF ENaC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING
DYES

Appl. No. 10/563,758

Filing Date: January 9, 2006

Examiner: Not Yet Assigned

Confirmation No.: 3144

Art Unit: 1649

Attorney Docket No.: 67824.431530

STATEMENT BY BRYAN MOYER

MAIL STOP: OFFICE OF PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

I, Bryan Moyer, hereby state that I am an inventor of the above-identified patent application and that the error in omitting me as an inventor on filing of the PCT application on which this application is based, occurred without any deceptive intent.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2-13-08

Date

Bryan Moyer

Bryan MOYER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SERVANT, GUY *et al.*

Title: IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT
EXPRESS HUMAN ENaC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT
OF ENaC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING
DYES

Appl. No. 10/563,758

Filing Date: January 9, 2006

Examiner: Not Yet Assigned

Confirmation No.: 3144

Art Unit: 1649

Attorney Docket No.: 67824.431530

CONSENT BY SENOMYX, INC. TO THE ADDITION OF
BRYAN MOYER AS A CO-INVENTOR

MAIL STOP: OFFICE OF PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

On behalf of Senomyx, Inc. I hereby consent to the addition of Bryan Moyer as the
inventor of the above-identified patent application.

2-22-08

Date



David B. Berger

Vice President, General Counsel and Corporate Secretary

Senomyx, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SERVANT, GUY *et al.*

Title: IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT
EXPRESS HUMAN ENaC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT
OF ENaC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING
DYES

Appl. No. 10/563,758

Filing Date: January 9, 2006

Examiner: Not Yet Assigned

Confirmation No.: 3144

Art Unit: 1649

Attorney Docket No.: 67824.431530

**DECLARATION BY SHERRY DOLLINS IN SUPPORT OF PETITION UNDER 1.47(A)
CONCERNING DILIGENT EFFORTS TO OBTAIN IMRAN CLARK'S SIGNATURE**

MAIL STOP: OFFICE OF PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Sherry Dollins, hereby state the following:

(1) That I am currently employed by Senomyx Inc. as a Senior Manager, and that one of my corporate duties involves sending patent related documents to inventors on Senomyx applications for signature and ensuring that these documents are received and sent to patent counsel so that these documents can be filed with the appropriate Patent Office by the appointed due date.

(2) That on May 17, 2007, as is my practice, I sent a copy of the above-identified patent application, an inventor declaration for Mr. Clark's signature, and further included a return envelope addressed to Senomyx and containing the proper postage. These documents were sent by DHL second day courier to Imran Clark's last known address which is 6049 Paseo Carreta, Carlsbad, California 92009.

(3) That I received the signed declaration from Mr. Clark and forwarded this signed inventor declaration to patent counsel for filing in the US Patent and Trademark Office. This is evidenced by the fact that the signed declaration containing Mr. Clark's signature was timely filed by patent counsel, Hunton & Williams LLP with the USPTO on July 9, 2007.

(4) That on February 12, 2008, I received an email from Stacey Buckner, assistant to Robin Teskin, patent attorney at Hunton & Williams LLP advising that the prior declaration executed by Imran Clark and the other inventors of this application was found to be defective as it was deemed to be a "composite declaration." I was further advised that there was a March 6, 2008 deadline to submit a proper signed declaration signed by all 6 inventors, as well as a signed statement by Bryan Moyer regarding his addition as an inventor and a Consent document to be executed by Senomyx agreeing to the inclusion of Bryan Moyer as an inventor.

(4) That I promptly and diligently forwarded this declaration for signature to all of the inventors including Imran Clark. As Mr. Clark terminated his employment with Senomyx Inc. on July 21, 2003, I mailed a complete copy of the inventor declaration to his last known address as evidenced by my attached signed cover letter to Mr. Clark dated February 13, 2008. This letter, as is my practice, included as an enclosure an addressed, stamped envelope to facilitate prompt return of the signed declaration to Senomyx. I did not include a copy of the subject patent application as an enclosure as I previously sent a copy of the complete US application, as-filed, to Mr. Clark when I forwarded the prior inventor Declaration which he signed on May 21, 2007, and which was filed with the Patent Office on July 9, 2007. I further note that in the past, Mr. Clark has always promptly returned to Senomyx, Inc. signed patent documents sent to this address. In addition, Senomyx's records indicate that Senomyx never received any notice from the US Postal Office advising that these documents could not be delivered to this last known address for Mr. Clark.

(5) On March 4, 2008, when I realized that the due date of March 6, 2008 for responding was fast approaching I further sent an email reminder to Mr. Clark to an email address wherein Mr. Clark has previously responded and sent email correspondence to Senomyx, Inc. As of today, I have received no response to this email. In addition, I received no message indicating that this email had not been received.

(6) I further inquired as to the employee records of Senomyx's human resources department and am advised that as of today we have no further contact information for Mr. Clark. Also, Senomyx has no information regarding his current employment status.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

March 6, 2008
Date

Sherry Dollins
Sherry Dollins, CEP
Senior Manager, Equity Plan Administrator
Senomyx, Inc.

EXHIBIT A

Buckner, Stacey

From: Buckner, Stacey
Sent: Tuesday, February 12, 2008 3:01 PM
To: 'Sherry Dollins'
Cc: Teskin, Robin L.
Subject: FW: U.S. Patent Application Serial No. 10/563,758 - Our Reference No.: 67824.431530

Importance: High

Attachments: StatementConsentDeclaration67824431530.pdf

Sherry:

These executed documents are needed on or before **March 6, 2008**, thanks.

Stacey A. Buckner
Senior Professional Assistant to
Robin L. Teskin
Hunton & Williams LLP
1751 Pinnacle Drive, Tysons Corner
Suite 1700
McLean, Virginia 22102
(703) 714-7469 (direct)
(703) 714-7410 (fax)

From: Buckner, Stacey
Sent: Tuesday, February 12, 2008 2:52 PM
To: 'Sherry Dollins'
Cc: Teskin, Robin L.
Subject: U.S. Patent Application Serial No. 10/563,758 - Our Reference No.: 67824.431530

Re: U.S. Patent Application Serial No. 10/563,758

Title: "IMPROVED ELECTROPHYSICAL ASSAYS USING OOCYTES THAT EXPRESS HUMAN ENAC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT OF ENAC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING DYES"

Inventor(s): Guy SERVANT, et al.

Our Ref.: (67824.431530)

Dear Sherry:

Attached are copies of the Statement from Bryan Moyer, Consent by Senomyx, Inc. To the Addition of Bryan Moyer As A Co-Inventor and new Declaration and Power of Attorney for Patent Application for the above-identified patent application. Please review and have the documents signed by all parties for filing with the Patent Office. The Patent Office is requiring all six inventors sign and submit a single complete Declaration and not have multiple signature pages of the same document.

As always, should you have any questions, please contact us.

Sincerely,

Stacey A. Buckner
Senior Professional Assistant to
Robin L. Teskin
Hunton & Williams LLP

1751 Pinnacle Drive, Tysons Corner
Suite 1700
McLean, Virginia 22102
(703) 714-7469 (direct)
(703) 714-7410 (fax)



StatementConsent
Declaration678...

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SERVANT, GUY *et al.*

Title: IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT
EXPRESS HUMAN ENaC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT
OF ENaC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING
DYES

Appl. No. 10/563,758

Filing Date: January 9, 2006

Examiner: Not Yet Assigned

Confirmation No.: 3144

Art Unit: 1649

Attorney Docket No.: 67824.431530

STATEMENT BY BRYAN MOYER

MAIL STOP: OFFICE OF PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

I, Bryan Moyer, hereby state that I am an inventor of the above-identified patent application and that the error in omitting me as an inventor on filing of the PCT application on which this application is based, occurred without any deceptive intent.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

APPLN. NO. 10/563,758
ATTORNEY DOCKET NO.: 67824.431530

Date

Bryan MOYER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SERVANT, GUY *et al.*

Title: IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT
EXPRESS HUMAN ENaC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT
OF ENaC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING
DYES

Appl. No. 10/563,758

Filing Date: January 9, 2006

Examiner: Not Yet Assigned

Confirmation No.: 3144

Art Unit: 1649

Attorney Docket No.: 67824.431530

**CONSENT BY SENOMYX, INC. TO THE ADDITION OF
BRYAN MOYER AS A CO-INVENTOR**

MAIL STOP: OFFICE OF PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On behalf of Senomyx, Inc. I hereby consent to the addition of Bryan Moyer as the
inventor of the above-identified patent application.

Date

David B. Berger
Vice President, Counsel and
Corporate Secretary
Senomyx, Inc.

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING
OOCYTES THAT EXPRESS HUMAN ENAC AND
THE USE OF PHENAMIL TO IMPROVE THE EFFECT OF ENAC ENHANCERS IN ASSAYS
USING MEMBRANE POTENTIAL REPORTING DYES**

the specification of which: ☐ is attached hereto.
☒ was filed on: January 9, 2006
 as United States Application No.: 10/563,758
 or PCT International Application No.: _____
 and was amended on: _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
PCT/US2004/021853	PCT	9 July 2004		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)

Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

**CUSTOMER NUMBER
21967**

All correspondence and telephone communications should be addressed to:

**CUSTOMER NUMBER
21967**

corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**NAME OF SOLE OR FIRST
INVENTOR:**

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Guy** Family Name or Surname **SERVANT**

Citizenship: **Canada**

Residence: **17343 Albert Avenue, San Diego, California 92127**

Mailing Address: same as above

NAME OF SECOND INVENTOR:

☐

A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name

(first and middle (if any))

Hong

Family Name

or Surname

CHANG

Citizenship: USA

Residence: 12647 Caminito Destello, San Diego, California 92130

Mailing Address: same as above

NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Cyril** Family Name or Surname **REDCROW**

Citizenship: Canada

Residence: 5070 Mansfield Street, San Diego, California 92116

Mailing Address: same as above

NAME OF FOURTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Sumita** Family Name or Surname **RAY**

Citizenship: **USA**

Residence: **13354 Benchley Road, San Diego, California 92130**

Mailing Address: same as above

NAME OF FIFTH INVENTOR:

☐

A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Imran** Family Name or Surname **CLARK**

Citizenship: **USA**

Residence: **6049 Paseo Carreta, Carlsbad, California 92009**

Mailing Address: same as above

NAME OF SIXTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Bryan** Family Name or Surname **MOYER**

Citizenship: **USA**

Residence: **12521 Spindletop Road, San Diego, California 92129**

Mailing Address: same as above

Buckner, Stacey

From: Buckner, Stacey
Sent: Tuesday, February 12, 2008 2:52 PM
To: 'Sherry Dollins'
Cc: Teskin, Robin L.
Subject: U.S. Patent Application Serial No. 10/563,758 - Our Reference No.: 67824.431530

Attachments: StatementConsentDeclaration67824431530.pdf

Re: U.S. Patent Application Serial No. 10/563,758
Title: "IMPROVED ELECTROPHYSICAL ASSAYS USING OOCYTES THAT EXPRESS HUMAN ENAC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT OF ENAC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING DYES"
Inventor(s): Guy SERVANT, et al.
Our Ref.: (67824.431530)

Dear Sherry:

Attached are copies of the Statement from Bryan Moyer, Consent by Senomyx, Inc. To the Addition of Bryan Moyer As A Co-Inventor and new Declaration and Power of Attorney for Patent Application for the above-identified patent application. Please review and have the documents signed by all parties for filing with the Patent Office. The Patent Office is requiring all six inventors sign and submit a single complete Declaration and not have multiple signature pages of the same document.

As always, should you have any questions, please contact us.

Sincerely,

Stacey A. Buckner
Senior Professional Assistant to
Robin L. Teskin
Hunton & Williams LLP
1751 Pinnacle Drive, Tysons Corner
Suite 1700
McLean, Virginia 22102
(703) 714-7469 (direct)
(703) 714-7410 (fax)



StatementConsent
Declaration678...

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SERVANT, GUY *et al.*

Title: IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT
EXPRESS HUMAN ENaC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT
OF ENaC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING
DYES

Appl. No. 10/563,758

Filing Date: January 9, 2006

Examiner: Not Yet Assigned

Confirmation No.: 3144

Art Unit: 1649

Attorney Docket No.: 67824.431530

STATEMENT BY BRYAN MOYER

MAIL STOP: OFFICE OF PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

I, Bryan Moyer, hereby state that I am an inventor of the above-identified patent application and that the error in omitting me as an inventor on filing of the PCT application on which this application is based, occurred without any deceptive intent.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

Bryan MOYER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SERVANT, GUY *et al.*

Title: IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT
EXPRESS HUMAN ENaC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT
OF ENaC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING
DYES

Appl. No. 10/563,758

Filing Date: January 9, 2006

Examiner: Not Yet Assigned

Confirmation No.: 3144

Art Unit: 1649

Attorney Docket No.: 67824.431530

CONSENT BY SENOMYX, INC. TO THE ADDITION OF
BRYAN MOYER AS A CO-INVENTOR

MAIL STOP: OFFICE OF PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

On behalf of Senomyx, Inc. I hereby consent to the addition of Bryan Moyer as the
inventor of the above-identified patent application.

Date

David B. Berger
Vice President, Counsel and
Corporate Secretary
Senomyx, Inc.

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IMPROVED ELECTROPHYSIOLOGICAL ASSAYS USING OOCYTES THAT EXPRESS HUMAN ENAC AND THE USE OF PHENAMIL TO IMPROVE THE EFFECT OF ENAC ENHANCERS IN ASSAYS USING MEMBRANE POTENTIAL REPORTING DYES

the specification of which: ☐ is attached hereto.
☒ was filed on: January 9, 2006
as United States Application No.: 10/563,758
or PCT International Application No.: _____
and was amended on: _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
PCT/US2004/021853	PCT	9 July 2004		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)

Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER
21967

All correspondence and telephone communications should be addressed to:

CUSTOMER NUMBER
21967

corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**NAME OF SOLE OR FIRST
INVENTOR:**

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Guy** Family Name or Surname **SERVANT**

Citizenship: **Canada**

Residence: **17343 Albert Avenue, San Diego, California 92127**

Mailing Address: same as above

NAME OF SECOND INVENTOR:

☐

A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name

(first and middle (if any))

Hong

Family Name

or Surname

CHANG

Citizenship:

USA

Residence:

12647 Caminito Destello, San Diego, California 92130

Mailing Address: same as above

NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Cyril** Family Name or Surname **REDCROW**

Citizenship: Canada

Residence: 5070 Mansfield Street, San Diego, California 92116

Mailing Address: same as above

NAME OF FOURTH INVENTOR:

☐

A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Sumita** Family Name or Surname **RAY**

Citizenship: **USA**

Residence: **13354 Benchley Road, San Diego, California 92130**

Mailing Address: same as above

NAME OF FIFTH INVENTOR:

☐

A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name

(first and middle (if any))

Imran

Family Name

or Surname

CLARK

Citizenship:

USA

Residence:

6049 Paseo Carreta, Carlsbad, California 92009

Mailing Address: same as above

NAME OF SIXTH INVENTOR:

☐

A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name

(first and middle (if any))

Bryan

Family Name

or Surname

MOYER

Citizenship:

USA

Residence:

12521 Spindletop Road, San Diego, California 92129

Mailing Address:

same as above

EXHIBIT B



February 13, 2008

Imran Clark
6049 Paseo Carreta
Carlsbad, CA 92009

Re: U.S. Patent Application No. US 10/563,758
Entitled "Improved Electrophysiological Assays Using Oocytes that Express
Human ENaC and the Use of Phenamil to Improve the Effect of ENaC Enhancers
in Assays Using Membrane Potential Reporting Dyes"
(Based on PCT Application No. PCT/US04/021853)

Dear Imran:

Enclosed is a document entitled Declaration and Power of Attorney for Patent Application relating to the above-entitled patent application. Please review, sign and date the Declaration at your earliest convenience and return it to me enclosed envelope. Note that you previously signed this document but the patent office is requiring another one.

Thank you once again for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sherry".

Sherry Dollins, CEP
Senior Manager, Equity Plan Administrator
(858) 646-8317 Phone
(858) 404-0750 Fax
sherry.dollins@senomyx.com

Enclosures

EXHIBIT D

Sherry Dollins

From: Sherry Dollins
Sent: Tuesday, March 04, 2008 9:01 AM
To: 'Imran Clark'
Subject: Senomyx Patent Document
Contacts: Imran Clark
Attachments: KM-C5500366.pdf

Hi Imran,

I hope this finds you and your family well. I am following up on a patent signature document that I sent to your home three weeks ago. Could you let me know if you received it and if you have returned it? I have attached a duplicate if you don't mind, please print, sign and return. Thanks as always for your cooperation.

Sherry Dollins, CEP
Senior Manager, Equity Plan Administrator
Senomyx, Inc.
4767 Nexus Centre Drive
San Diego, CA 92121
(858) 646-8317 Phone
(858) 404-0750 Fax

*****NOTE*****

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (858-646-8317), and destroy the original message. Thank you.

EXHIBIT E



Via DHL Second Day

May 17, 2007

Imran Clark
6049 Paseo Carreta
Carlsbad, CA 92009

Re: U.S. Patent Application Entitled "Improved Electrophysiological Assays Using Oocytes that Express Human ENaC and the Use of Phenamil to Improve the Effect of ENaC Enhancers in Assays Using Membrane Potential Reporting Dyes"
(Based on PCT Application No. PCT/US04/021853)

Dear Imran:

Enclosed is a document entitled Declaration and Power of Attorney for Patent Application relating to the above-entitled patent application. Also enclosed is a copy of the application as filed in the USPTO. As a reminder, US patent laws require that inventors read the application before executing the Declaration.

Once you have reviewed the application, please sign and date the Declaration and return it to me along with the application in the enclosed envelope.

As a reminder, in order for Senomyx to maintain current inventor contact records, please inform us of any change in your email and/or residence address. This will enable us to provide you with important inventorship information.

Hope all is well with you. As always, thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Sherry Dollins".

Sherry Dollins, CEP
Senior Manager, Equity Plan Administrator
(858) 646-8317 Phone
(858) 404-0750 Fax
sherry.dollins@senomyx.com

Enclosures